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REMARKS

In response to the Final Office Action mailed on August 12, 2005, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Claims 1, 2, 5, 10, 19, and 22 have been amended, and Claim 23 has been added, leaving Claims 1-23 for consideration upon entry of the present amendment. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claim Amendments

Applicants submit that the amendments to Claims 1, 2, 5, 10, 19 and 22 are fully supported in the original specification. See, for example, paragraph 25, 35 and 39 in the specification. Applicants also submit that newly added Claim 23 is fully supported in the original specification. See for example, paragraphs 14 and 16 in the specification.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-22 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,748,318B1 to Jones ("Jones") in view of U.S. Patent No. 6,567,745 to Fuchs et al. ("Fuchs").

Applicants traverse this rejection and submit that Jones in view of Fuchs does not teach or suggest all of the elements of Claims 1-22.

Amended Claim 1 includes the element "the comparing including performing pattern recognition of the vehicle position data for the current trip and the vehicle position data for one or more previous trips; predicting a destination for said vehicle based on the results of the comparing." The Examiner has stated that Jones does not disclose that pattern recognition technology is used for predicting a vehicle destination. The Examiner looks to Fuchs to cure this deficiency in Jones and refers to Column 3, lines 5-12 of Fuchs which recites "The voice command and control system 12 provides automatic voice recognition of voice communication from the user. The voice command and control system 12 processes voice communications to determine whether a spoken word or speech pattern matches any of the stored grammars or

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vocabulary. When the system 12 identifies a speech pattern, the system sends an output signal to implement the specific function associated with the specific pattern to the audio decoding and playback portion." This section of Fuchs teaches a voice recognition system that uses speech patterns to recognize spoken words. Applicants submit that using speech patterns to recognize spoken words is not the same as, nor does it suggest, "performing pattern recognition of the vehicle position data for the current trip and the vehicle position data for one or more previous trips." Input to a voice recognition system is voice data which is not processed and/or analyzed in the same manner as vehicle position data. For at least these reasons, Fuchs does not cure the deficiency in Jones pointed out by the Examiner.

Even if Jones in view of Fuch taught or suggested all of the elements of Claim 1, which it does not, Applicant respectfully submits that the Examiner cannot establish obviousness by locating references which describe various aspects of a patent Applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent Applicant has done. *Ex parte Levengood*, 28, USPQ2d 1300, 1302 (Bd.Pat.App.Int., 1993). References may not be combined indiscriminately. It is not enough for a valid rejection to view the prior art in retrospect once an Applicant's disclosure is known. The art applied should be viewed by itself to see if it fairly disclosed doing what an Applicant has done. *In re Skoll*, 187 USPQ 481, 484 (CCPA, 1975) (citing *In re Schaffer*, 108 USPQ 326, 328-29 (CCPA, 1956)). "The test for an implicit showing [of obviousness] is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." (Emphasis added). *In re Kotzab*, 217 F.3d 13645, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

Jones teaches receiving vehicle position data and mapping a path to a known destination but does not teach predicting a destination for a vehicle using pattern recognition. Fuchs teaches using pattern recognition to perform voice recognition but does not teach predicting a destination for a vehicle. In arriving at an absence of any teaching to combine the References, one skilled in the art does not arrive at the claimed invention.

Jones is generally concerned with notifying users of the impending arrival of a vehicle (to a known destination), such as an overnight package delivery vehicle. Fuchs is generally

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concerned with providing driving instructions to a user to a requested (known) destination. Neither Jones nor Fuchs, either singly or in combination, appear to be concerned with, or recognize the advantages of, predicting vehicle operator destinations by comparing vehicle position data for a current trip to vehicle position data for one or more previous trips including the use of pattern recognition to perform the comparing.

The Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time of invention to implement Jones with pattern-recognition technology for predicting a vehicle destination taught by Fuchs for the benefit of making a decision based on the past habits of drivers because using this technique would give a high accuracy and improve automatic controls of the a vehicle. However, since neither Jones nor Fuchs teach or suggest predicting a destination for a vehicle, there can be no motivation to combine Jones with Fuchs for this purpose. In arriving at an absence of any teaching to combine the References, one skilled in the art does not arrive at the claimed invention.

In view of the foregoing, Applicants submit that no motivation can be found in either of the References to combine the technologies of the References to arrive at the claimed invention, and that the Examiner has improperly combined the References since there is no evidence of a motivating force which would impel one skilled in the art to do what the patent Applicant has done. Accordingly, Applicants respectfully request reconsideration and withdrawal of these rejections.

For at least the reasons described above, neither Jones nor Fuchs, alone or in combination, teach or suggest all of the elements of Claim 1. For at least this reason, Claim 1 is patentable over Jones in view of Fuchs. Because they depend from Claim 1, Claims 2-18 and 23 are also patentable over Jones in view of Fuchs for at least the reasons advanced with respect to Claim 1. Claims 19 and 22 include elements that are similar to Claim 1 and are patentable over Jones in view of Fuchs for at least the reasons advanced with respect to Claim 1. Because they depend from Claim 19, Claims 20 and 21 are also patentable over Jones in view of Fuchs.

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Conclusion

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that Claims 1-23 are in condition for allowance. Accordingly, reconsideration and allowance is respectfully requested.

In the event the Examiner has any questions regarding this Amendment, Applicants' attorneys respectfully request the courtesy of a telephone conference.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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